

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

I. Status of Claims and Explanation of Amendments

Claims 1–7 are pending. The September 13, 2006 Office Action rejected claims 1–3 and 5–6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0054185 listing inventor Kinoshita (“Kinoshita”). The Office Action also rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of U.S. Patent No. 6,659,580 to Horikoshi (“Horikoshi”). Additionally, the Office Action rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of U.S. Patent No. 7,029,095 to Tsuboi et al. (“Tsuboi et al.”).

By this paper, claim 1 is amended to recite, *inter alia*, “control means for, *before printing to the print medium which has not been printed yet*, causing said print medium feeding means and said print medium conveying means to perform a print medium feeding and conveying operation . . . and causing in parallel, performance of a preliminary ejecting operation during a part of period of performance of the print medium feeding and conveying operation” (emphasis added). Similarly, by this paper, method claim 5 is amended to recite “a step of controlling, *before printing to the print medium which has not been printed yet*, for causing said print medium feeding means and said print medium conveying means to perform a print medium feeding and conveying

operation . . . and causing in parallel, performance of a preliminary ejecting operation during a part of period of the performance of the print medium feeding and conveying operation” (emphasis added). Support for the amendment to claims 1 and 5 can be found throughout the disclosure as originally filed.

II. Claims 1–3 and 5–6 are Not Anticipated by Kinoshita.

As mentioned above, the Office Action rejected claims 1–3 and 5–6 under 35 U.S.C. § 102(b) as being anticipated by Kinoshita. Applicant respectfully traverses this rejection. Kinoshita discloses an inkjet printing apparatus and a preliminary discharge control method. *Abstract*. In the apparatus and method disclosed by Kinoshita, preliminary discharge clearly occurs *during* a printing operation to the print medium. *See, e.g.*, Figs. 4 and 6. In contrast, amended claim 1 recites a control means for causing performance of a preliminary ejecting operation “before printing to the print medium which has not been printed yet.” Similarly method claim 5, as amended by this paper, recites the method step of controlling for causing performance of a preliminary ejecting operation “before printing to the print medium which has not been printed yet.”

For the reasons stated above, Kinoshita cannot anticipate independent claims 1 and 5. Because claims 2, 3 and 6 depend from claim 1, Kinoshita cannot anticipate claims 2 and 3 for at least the same reasons the reference cannot anticipate claim 1. Applicant respectfully requests withdrawal of the § 102(b) rejection of claims 1–3, 5, and 6 under 35 U.S.C. § 102(b) as being anticipated by Kinoshita.

III. Claim 4 is Not Obvious Over Kinoshita and Horikoshi.

As mentioned above, the Office Action rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Horikoshi. Applicant respectfully traverses this rejection.

As mentioned above, Kinoshita does not disclose an ink jet printing apparatus control means for causing performance of a preliminary ejecting operation “before printing to the print medium which has not been printed yet,” as is recited in amended claim 1. In contrast, in the apparatus and method disclosed in Kinoshita, the preliminary ejecting operation occurs during the operation of printing to the print medium.

Horikoshi does not cure this deficiency in the disclosure of Kinoshita with respect to claim 1. Horikoshi does not disclose a preliminary discharge operation. The Office Action referenced Horikoshi merely because it allegedly discloses separate driving sources for the carriage scanning means, the print feeding means, and the print conveying means. *See* Office Action at 4. Therefore, no combination of Kinoshita and Horikoshi results in printing apparatus with all of the limitations of claim 1. As a result, claim 1 is not obvious over Kinoshita and Horikoshi. Because claim 4 depends from claim 1, it is nonobvious over these two references for at least the same reasons claim 1 is nonobvious over the references.

For the reasons set forth above, Applicant respectfully requests withdrawal of the section § 103(a) rejection of claim 4.

IV. Claims 7 is Not Obvious Over Kinoshita and Tsuboi et al.

As mentioned above, the Office Action rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Tsuboi et al. Applicant respectfully traverses this rejection.

Claim 7 recites “control means for controlling a preliminary ejection operation to be performed *after* a print medium feeding operation by said feeding means has completed” (emphasis added). The Office Action identifies the element 102 as the recited “feeding means.” Kinoshita refers to element 102 as an automatic sheet feeding means. *See* ¶ [0005]. As can be seen in Figure 1 of Kinoshita, the feeding mechanism 102 is a near-vertical tray that supports the printing medium and guides it into the printing portion of the printing apparatus. Under this interpretation, the “feeding operation” must be the performance by element 102 of these functions. The structure of the printing apparatus is such that some portion of the printing medium remains in contact with the element 102 essentially the entire time printing to the printing medium takes place. As explained above with respect to the traversal of the § 102(b) rejection of claims 1–3 and 5–6, in the apparatus disclosed in Kinoshita the preliminary ejection operation occurs during the printing operation to the print medium. Therefore Kinoshita does not disclose a printing apparatus having a control means for controlling a preliminary ejection operation to be performed after a print medium feeding operation by the feeding means has completed.

Tsuboi et al. does not cure this deficiency in the disclosure of Kinoshita with respect to claim 7. The Office Action asserts that Tsuboi et al. discloses a printing

apparatus in which the preliminary ejecting operation is completed before the printing operation begins. *See* Office Action at 6. Without commenting on the merits of the Office Action's assertion, Applicant notes that Tsuboi et al. teaches a preliminary ejection operation that occurs onto the surface of the print medium. *See* col. 6, ll. 57–59. As such an operation could not be performed *after* a print medium feeding operation in Kinoshita, no combination of Tsuboi et al. and Kinoshita results in a printing apparatus that meets all of the limitations of claim 7. Therefore, Kinoshita and Tsuboi et al. do not render claim 7 obvious.

For the reasons set forth above, Applicant respectfully requests withdrawal of the section § 103(a) rejection of claim 7.

Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

This application is believed to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5267.

Dated: March 13, 2007

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.
By: /Ankur Parekh/
Ankur P. Parekh
Registration No. 56,060

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.

3 World Financial Center

New York, NY 10281-2101

(212) 415-8700

Telephone

(212) 415-8701

Facsimile